

REMARKS

Claims 1-4, 6, and 8-26 are pending in the application. Claims 1, 6, 11, and 23 have been amended. No new matter is being introduced by way of the amendments. Reconsideration of the present application is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,944,824 to He (hereinafter “He”) in view of U.S. Patent No. 5,916,302 to Dunn et al. (hereinafter “Dunn”) and U.S. Patent Publication No. 2003/0219008 A1 to Hrastar (hereinafter “Hrastar”), and further in view of U.S. Patent No. 6,678,826 to Kelly et al. (hereinafter “Kelly”). Independent Claim 1 as amended includes the features of the first server configured to: “receive a request to communicate with the one or more remote network elements over the out-of-band access path”, “establish secure pathway over the out-of-band access path between the user computing device and the one or more remote network elements” and “transmit data for communicating operational status of the one or more remote network elements between the one or more network elements and the user computing device over the secure pathway.”

The Office Action acknowledges that He fails to disclose the claimed configuration for an in-band and out-of-band access path. The Office Action asserts that column 5, line 53 of He describes communicating operation status. Applicants respectfully submit that column 5, line 53 fails to teach “transmit data for communicating operational status of the one or more remote network elements between the one or more network elements and the user computing device over the secure pathway,” as claimed in Independent Claim 1. Column 5, lines 49-53 of He describes a network 10 logging all user access attempts to create an audit trail. He further describes that the audit trail includes a user identifier, point of access, time of attempt and the success or failure of the attempt. Applicants respectfully submit that user access attempts are not an “operation status of one or more network elements.” He contains no teaching or suggestion that the audit trail includes operational status of one or more network elements. For at least the foregoing reasons, Applicants respectfully submit that Independent Claim 1 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Independent Claim 1 be withdrawn.

Claims 2-4 are dependent upon and include the features of Independent Claim 1. For at least the reasons discussed with respect to Independent Claim 1, Applicants respectfully submit that Claims 2-4 are allowable over the cited references and request that the 35 U.S.C. 103(a) rejections of Claims 2-4 be withdrawn.

Claims 6 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, and further in view of Dunn and Hrastar. Regarding Independent Claim 6, Independent Claim 6 as amended includes the features of “establishing a secure pathway over the out-of-band access path between the user computing device and network element” and “transmitting data for communicating operational status of the network element between the network element and the user computing device over the secure pathway.” For similar reasons as those discussed with respect to Independent Claim 1, Applicants respectfully submit that Independent Claim 6 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Independent Claim 6 be withdrawn.

Claims 10 is dependent upon and includes the features of Independent Claim 6. For at least the reasons discussed with respect to Independent Claim 6, Applicants respectfully submit that Claim 10 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Claim 10 be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Dunn and Hrastar as applied to Claim 6 and 10, and further in view of He. Claims 8 and 9 are dependent upon and include the features of Independent Claim 6. Applicants respectfully submit that Claims 8 and 9 are allowable over the cited references and request that the 35 U.S.C. 103(a) rejections of Claims 8 and 9 be withdrawn.

Claims 11-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over He, and further in view of Dunn. Independent Claim 11 as amended includes the feature of computer-useable instructions, that when executed on a computing device, cause the computing device to “transmit data for communicating operational status of the network element between the network element and a user computing device over a secure pathway established between the user computing device and the network element.” For similar reasons as those discussed with respect to Independent Claim 1, Applicants respectfully submit that Independent Claim 11 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Independent Claim 11 be withdrawn.

Claims 12-22 are dependent upon and include the features of Independent Claim 11. For at least the reasons discussed with respect to Independent Claim 11, Applicants respectfully submit that Claims 12-22 are allowable over the cited references and request that the 35 U.S.C. 103(a) rejections of Claims 12-22 be withdrawn.

Claims 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, and further in view of Dunn. Independent Claim 23 as amended includes the feature of “wherein said remote modem is configured to accept communications only from a predetermined set of addresses or phone numbers associated with the modem bank by validation that an address or phone number associated with an incoming call is within the predetermined set of addresses or phone numbers.” The Office Action asserts that Column 13, lines 33-41 of Dunn teaches that “computer 80 and modem 81 are separately connected to modem bank 109 and only accept connections through modem bank 89 which has a predetermined address or phone number.” Column 13, lines 33-41 describe that the computer 80 and the modem 81 connect to modem bank 109 via a link to a PSTN portion 108. Column 13, lines 48-50 of Dunn describe that signals sent by a conference server 93 to modem 81 are converted in modem bank 109 from (baseband) digital form to analog form. However, Applicants respectfully submit that there is no teaching or suggestion in Dunn of a remote modem “configured to accept communications only from a predetermined set of addresses or phone numbers associated with the modem bank by validation that an address or phone number associated with an incoming call is within the predetermined set of addresses or phone numbers.” For at least this reason, Applicants respectfully submit that Independent Claim 23 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Independent Claim 23 be withdrawn.

Claims 24 is dependent upon and includes the features of Independent Claim 23. For at least the reason discussed with respect to Independent Claim 23, Applicants respectfully submit that Claim 24 is allowable over the cited references and request that the 35 U.S.C. 103(a) rejection of Claim 24 be withdrawn.

Claims 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over He in view of Dunn and Hrstar as applied to Claim 1, and further in view of U.S. Patent Application Publication No. 2001/0024446 A1 to Craig et al. (hereinafter “Craig”). Claims 25-26 are dependent upon and include the features of Independent Claim 1. As discussed with respect to Independent Claim 1, He in view of Dunn and Hrstar fail to teach or suggest the features of Independent Claim

1. Applicants respectfully submit that Craig also fails to teach or suggest these features. Applicants respectfully submit that Claims 25 and 26 are allowable over the cited references and request that the 35 U.S.C. 103(a) rejections of Claim 25 and 26 be withdrawn.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000060-0043 from which the undersigned is authorized to draw.

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Respectfully submitted,

By /Michael W. Maddox/
Michael W. Maddox
Registration No.: 47,764
Sonnenschein, Nath & Rosenthal
1717 Main, Suite 3400
Dallas, Texas 75201
(214) 259-0900
(214) 259-0910 (Fax)
Attorney for Applicants